IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 212 OF 2006

Kashish Park Realty Pvt.Ltd. .. Applicant

versus

Sai Krip CHS Limited .. Respondent

...

Mr.Anil Menon for the applicant.

CORAM : D.G. KARNIK, J

DATED : 20th November 2006

P.C.:

1. Heard learned counsel for the applicant.

2. This revision application is directed against the order passed by the trial court refusing to stay the suit u/s.8 of the Arbitration and Conciliation Act 1996.

3. There was no agreement of arbitration between the parties and therefore the trial court has declined to

stay the suit. Before me the learned counsel for the applicant admitted that there is no agreement between the plaintiff and the respondent no.1 containing any arbitration clause. He however submitted that the agreement between the members of the plaintiff society and the defendant contain an arbitration clause. May be so, but the fact remains that there is nos arbitration agreement between the plaintiff and the present revision applicant. In the circumstances, the trial court has rightly refused to stay the suit. The order calls for no interference.

4. In the circumstances, revision application is dismissed summarily.

(D.G. KARNIK, J)